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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,379	01/10/2002	Jimmy N. Eavenson SR.	096311.010P2	1646

33805 7590 03/26/2007  
WEGMAN, HESSLER & VANDERBURG  
6055 ROCKSIDE WOODS BOULEVARD  
SUITE 200  
CLEVELAND, OH 44131

EXAMINER
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HOGAN, JAMES SEAN

ART UNIT	PAPER NUMBER
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3752

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/046,379

Applicant(s)

EAVENSON ET AL.

Examiner

James S. Hogan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7, 10-12 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7, 10-12 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on April 4, 2004. These drawings are accepted.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the limitation of removing and inverting the nozzle to reverse which regions of the nozzle receive an increase in air velocity is not described.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 5-7, 10, 12, 15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,253,416 to Lauer et al.

As per claims 5 and 6 Lauer et al. discloses a blower (See Fig. 4) with a nozzle adapted for mounting on the discharge chute of the blower having a nozzle body having

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an inlet end, an outlet end, the nozzle body including a restriction caused by a change in shape (see Fig. 14-25) caused by a sloped region gradually reducing the height of the channel from the inlet end to the outlet end (see Fig. 21-23). Lauer et al does not teach conditions to alter the velocity of the air at different regions in the nozzle. However, the reduction in height which would create a condition where air passing through a restricted upper region would have a velocity greater than air at a lower region.

Similarly, the nozzle of Lauer et al would be adapted so that air passing through an upper region of the channel changes direction from the inlet end to the outlet end and wherein air passing through the lower portion be unrestricted and therefor would flow in a generally constant direction. Further, as per claim 6, 10 and 11, 15, 17, 18 and 19, the nozzle includes parallel side walls defining a channel that is being open at an inlet end, the first cross-sectional area, (i.e. an attachment region) and open at an outlet end, the second cross-sectional area, and it includes an upper wall having a sloped region to provide a nozzle restriction (i.e. gradual reduction in channel height) where the second cross-sectional area, the outlet end, is less than the first cross-sectional area, the inlet end. (See Fig. 21 and 23). The sloped region gradually reduces a height of the channel from the inlet end to the outlet end and the lower is generally planar throughout a length (see Fig. 21-23). As per claims 7 and 12, Lauer et al. does not teach the second cross-sectional area, the outlet end, being approximately 50% to 75% of the first cross-sectional area, the inlet end and the channel height of outlet end is approximately from 50% to 75% of the channel height of the inlet end. It would have been obvious matter of design choice to have made the second cross-sectional area, the outlet end, is

approximately 50% to 75% of the first cross-sectional area, the inlet end and the channel height of outlet end is approximately from 50% to 75% of the channel height of the inlet end to provide a smaller opening at the outlet end to increase the velocity of the discharged air. As per claim 20, the nozzle of Lauer et al at the inlet end is the same shape as the shape of the discharge chute of such that the nozzle is mountable.

Summarily, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have achieved higher upper-to-lower air velocities in a the blower nozzle of Lauer et al by shaping the nozzle in any number of configurations, and to have sized the outlet within a percentage proportion to the inlet to achieved the desired upper-to-lower nozzle region air velocities.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

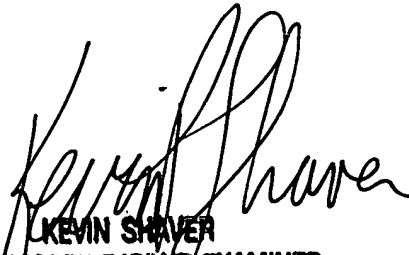
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSH  
3/5/2007

  
**KEVIN SHAVER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**